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EXAMINER
SHERR, CRISTINA O

ART UNIT	PAPER NUMBER
3685	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/944,501	KON ET AL.
	Examiner	Art Unit	
	CRISTINA SHERR	3685	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>15 December 2010</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-27</u> is/are pending in the application.

    4a) Of the above claim(s) <u>12-27</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-11</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This Office Action is in response to Applicant's Amendment, filed December 15,

2010. Claims 1-27 are pending in this case. Clams 1-11 are under examination.

Claims 12-27 had been previously withdrawn. Claims 1, 3, and 7 are currently

amended.

Response to Arguments

2.   Applicant's arguments with respect to claims 1-11, as currently amended, have

been considered but are moot in view of the new ground(s) of rejection.

Remarks

3.   Note that a recitation directed to the manner in which a claimed apparatus is

intended to be used does not distinguish the claimed apparatus from the prior art- if the

prior art has the capability to so perform. MPEP 2114 and *Ex parte Masham*, 2

USPQ2d 1647 (1987). In this case, the language in claim 1, "configured to receive . . . "

constitutes intended use and this does not serve to further distinguish from the prior art.

Additionally, the newly-added language "said information processing apparatus

associates . . . " constitutes intended use and so does serve to further distinguish the

claims from the prior art.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.　　　Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Bianco ET al (US 6,256,737) in view of Vanstone et al (US 6,487,661).

6.　　　Regarding claim 1 –

7.　　　Bianco discloses a person authentication application data processing system

which performs a person authentication process by comparing a template extracted

from a person identification certificate, the template including person identification data

of an individual user who uses an information processing apparatus, and user input

sampling information, (fig1-fig2/104, col 3 ln 1-5, "compared measurements of unique

personal characteristics") said person authentication application data processing system

comprising:

　　　an information processing apparatus configured to perform person authentication

(e.g. col 3 ln 7-17, "administration station");

　　　a service distribution device configured to receive various services from a service

provider under the control of a service registration server when the service distribution

device is registered with the service registration server (col 3 ln 6-12; col 3 ln 33-40, col

10 ln 1-35, col 10 n 49-55) and

　　　a person identification certificate unit configured to issue person identification

certificates, (e.g. col 3 ln 33-40, "certificate authority system", 104),

　　　wherein,

　　　said information processing apparatus is configured to retrieve a person

identification certificate for person authentication from the local storage device based on

user input information, extracted (e.g. col 16 ln 5-20, ""switchboard object receives the

request, via comm. object, and creates receiver object')

the information processing apparatus is configured to request the person

identification certificate unit issue a new person identification certificate if the person

identification certificate does exist in the local storage device, extracted (e.g. col 16 ln 5-

20)

said person identification certificate unit is configured to issue a new

person identification certificate including an encrypted template, which can be

decrypted in said information processing apparatus, in response to the request

from the information processing apparatus(e.g. col 54 ln 10-28, " digital certificate

from a certificate authority"), and

said information processing apparatus is configured to receive the person

identification certificate from the person identification unit and store the person

identification certificate issued from said person identification certificate unit in the local

storage device of the information processing apparatus remotely from the server. (e.g.

col 54 ln 10-28, "encrypted digital certificate containing . . . identification information",

also col 9 ln 35-42, col 10 ln 22-27, col 12 ln 23-30, col 18 ln 25-32, fig 7, col 22 ln 40-

50, col 25 ln 54-65, col 28 ln 60 – col 29 ln 20, col 51 ln 30-35),

said information processing apparatus associates a public key certificate issued

from the certificate unit with the person identification certificate. (col 18 ln 25-32, col 22

ln 40-50, col 25 ln 54-65).

8.   Note that the newly-added "said information processing apparatus associates . . .

" constitutes intended use and so does serve to further distinguish the claims from the

prior art.

9.   Bianco does not specifically disclose a certificate unit issuing public key

certificates. Vanstone, however, does, at, e.g., col 4 ln 25-40. It would be obvious to

one of ordinary skill in the art to combine Bianco and Vanstone since both are in the

field of electronic transaction security and in order to obtain greater security.

10.   Regarding claim 2 –

11.   Bianco discloses a person authentication application data processing system

according to Claim 1, wherein, said information processing apparatus creates a pair of

identifiers of each person identification certificate and stores the pair of identifiers in the

storage device when said newly obtained person identification certificate is a person

identification certificate corresponding to the same user for an existing public key

certificate which has already been stored in said information processing apparatus. (e.g.

col 54 ln 20-30).

12.   Regarding claim 3 –

13.   Bianco discloses a person authentication application data processing system

according to Claim 1, wherein said information processing apparatus retrieves a public

key certificate used during data communication with an external apparatus, with stored

data of the storage device of the information processing apparatus being used as the

retrieval target on the basis of the user input information, said information processing

apparatus is configured to (a) create a public key and a secret key when the applicable

public key certificate cannot be extracted, (b) transmit transmits the created public key

to the person identification certificate unit (c) make a request for issuing a person

identification certificate (d) issue a public key certificate corresponding to an individual

user or a public key certificate corresponding to said information processing apparatus,

and (e) store the public key certificate issued from said certificate unit in the local

storage device of the information processing apparatus. (e.g. col 54 In 20-30).

14.   Regarding claim 4 –

15.   Bianco discloses a person authentication application data processing system

according to Claim 3, wherein, said information processing apparatus creates pair

information of identifiers of each certificate and stores the pair information in the storage

device when said newly obtained person identification certificate is a person

identification certificate corresponding to the same user for an existing public key

certificate which has already been stored in said information processing apparatus.

(e.g. col 55 In 45-60).

16.   Regarding claim 5 –

17.   Bianco discloses a person authentication application data processing system

according to Claim 3, wherein, said information processing apparatus creates identifiers

of each certificate, stores the pair information in the local storage device, and registers a

process identifier which identifies a process including services to be used when said

newly obtained person identification certificate is a person identification certificate

corresponding to the same user for an existing public key certificate which has already

been stored in said information processing apparatus. (e.g. col 55 In 45-60).

18.   Regarding claim 6 –

19.   Bianco discloses a person authentication application data processing system

according to Claim 1, further comprising a service distribution device configured to

receive various services from a service provider under the control of a service

registration server when the service distribution device is registered with the service

registration server, wherein said information processing apparatus performs a person

authentication process based on a verification process between the template extracted

from the person identification certificate and user input sampling information, the

template being person identification data of an individual user who uses the information

processing apparatus, and performs user registration for said service registration server

on the condition that person authentication is established. (e.g. col 2 ln 50-60).

20.   Regarding claim 7 –

Bianco discloses a person authentication application data processing system according

to Claim 1, wherein said information processing apparatus performs a mutual

authentication with said service provider by using a public key certificate corresponding

to an individual user or a public key certificate corresponding to said information

processing apparatus in a process for receiving service distribution from said service

provider, and said service provider provides services for said information processing

apparatus upon confirmation that the public key certificate used for said mutual

authentication corresponds to an authorized user or device registered in said service

registration server and said mutual authentication is established. (e.g. abstract, col 3 ln

33-40).

21.   Regarding claim 8 –

22.   Bianco discloses a person authentication application data processing system according to Claim 1, wherein data communication between said information processing apparatus as a person authentication execution entity and the person identification certificate unit as a person identification certificate issuing entity is performed on the condition that a mutual authentication process is established. (e.g. abstract, col 2 ln 53 – col 3 ln 5).

23.   Regarding claim 9 –

24.   Bianco discloses a person authentication application data processing system according to Claim 1, wherein, a data transmission device creates an electronic signature for transmission data, and a receiving device verifies the electronic signature for data communication between said information processing apparatus as a person authentication execution entity and the person identification certificate unit as a person identification certificate issuing entity. (e.g. col 55 ln 47-57).

25.   Regarding claim 10 –

26.   Bianco discloses a person authentication application data processing system according to Claim 1, wherein an encryption key used to encrypt the template stored in the person identification certificate issued from said person identification certificate unit is a public key which is set for said information processing apparatus or an individual user. (e.g. col 55 ln 37-45).

27.   Regarding claim 11 –

28.   Bianco discloses a person authentication application data processing system

according to Claim 1, wherein said template is biometric information of a person such as

fingerprint information, retina pattern information, iris pattern information, voice print

information, and handwriting information, or a non-biometric information such as a seal,

a passport, a driver's license, and a card, or any combination of two or more of the

biometric information and the non-biometric information, or a combination of any of the

information and a password (e.g. abstract).

Conclusion

29.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

30.   Matchett et al (US 5,229,764) discloses a continuous biometric authentication

matrix.

31.   Musgrave et al (US 6,505,193) discloses a system and method of fast biometric

database searching using digital certificates.

32.   Marckini et al (US 5,907,149) disclose an identification card with delimited usage.

33.   Ohtsuki et al (US 5,831,547) disclose a wireless card system.

34.   Khideckel et al (US 2001/0027527) disclose a secure transaction system.

35.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

36.   A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

37.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to CRISTINA SHERR whose telephone number is

(571)272-6711. The examiner can normally be reached on 8:30-5:00 Monday through

Friday.

38.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Calvin L. Hewitt, II can be reached on (571)272-6709. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

39.   Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CRISTINA OWEN SHERR
Examiner
Art Unit 3685

/Calvin L Hewitt II/
Supervisory Patent Examiner, Art Unit 3685